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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,242	11/03/2003	Aaron Caldwell Najera Collins	039928.000006	3781

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PATENT PROSECUTION GROUP
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DALLAS, TX 75201

EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,242

Applicant(s)

COLLINS, AARON CALDWELL
NAJERA

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 4-19, 28-30 is/are allowed.
- 6) ☒ Claim(s) 20-23 and 31 is/are rejected.
- 7) ☒ Claim(s) 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Clair et al.

In regard to claim 20, Clair et al. discloses a first and second sleeve members 15, 16 having inner and outer surfaces, the first sleeve member having an outlet aperture 18;

an outlet retaining lip 45 disposed on the inner surface (surface of 45 is on the interior of sleeve member 16) around the outlet aperture;

an end retaining lip 19 disposed on the inner surfaces of the first and second sleeve members at both ends of the first and second sleeve members;

a substantially continuous annular depression formed by the end retaining lips, the outlet retaining lip, and the inner surfaces of the first and second sleeve members;

a unitary gasket 23 having a gasket wall, an inside surface, an outside surface, and a gasket outlet; and

wherein the unitary gasket is positionable within the annular depression adapted to longitudinally contact a portion of a surface of a pipe received by at least one of the first and second sleeve members.

In regard to claim 22, wherein:

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the gasket wall includes a central portion 32 and a stepped portion 39; and
the central portion of the gasket is positionable within the annular depression
and the stepped portion 39 is positionable adjacent a radially inward surface of the end retaining
lip 19.

In regard to claim 23, wherein:

the gasket 23 is placeable around a pipe 10 such that the inside surface of the gasket is
adjacent the pipe and the gasket outlet is aligned with an area of the pipe to be tapped; and

the first and second sleeve members are placeable around the gasket and the pipe such
that the inner surfaces of the first and second sleeve members are adjacent the outside surface of
the gasket.

3. Claims 20-21 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Blakely.

In regard to claim 20, Blakely discloses a first and second sleeve members 11 having
inner and outer surfaces, the first sleeve member having an outlet aperture 36;

an outlet retaining lip 34b disposed on the inner surface (see fig. 6 where the lip 34b is on
the interior surface of sleeve member 12) around the outlet aperture 36;

an end retaining lip 16 disposed on the inner surfaces of the first and second sleeve
members at both ends of the first and second sleeve members;

a substantially continuous annular depression formed by the end retaining lips,
the outlet retaining lip, and the inner surfaces of the first and second sleeve members;

a unitary gasket 20 having a gasket wall, an inside surface, an outside surface, and a
gasket outlet 38; and

wherein the unitary gasket is positionable within the annular depression adapted

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to longitudinally contact a portion of a surface of a pipe 15 received by at least one of the first and second sleeve members.

In regard to claim 21, wherein the gasket wall subtends an arc less than 360 degrees when placed on a pipe in an un-stretched, uncompressed position, thereby forming a gap in the gasket wall.

In regard to claim 31, Blakely discloses a tapping sleeve comprising:

First and second sleeve members 10, 10', the first sleeve member having an outlet aperture (hole created by surfaces 16 on 10 and 10') and an outlet retaining lip 16 disposed on an inner surface of the first sleeve member surrounding the outlet aperture; and

A gasket having a gasket outlet (hole created by surfaces 22a and 22a', the gasket outlet having a pair of tapered surfaces 24 on opposing longitudinal sides of the gasket outlet, wherein at least a portion of the tapered surfaces of the gasket are adapted to be compressed against a surface of a pipe disposed between the first and second sleeve members (see fig. 5).

Allowable Subject Matter

4. Claims 1-2, 4-19 and 28-30 are allowed.
5. Claims 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

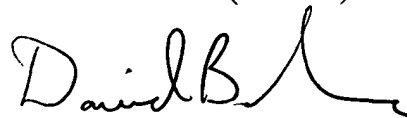
6. Applicant's arguments with respect to claims 20-23 and 31 have been considered but are not persuasive. Clair et al. and Blakely disclose a retaining lip disclosed on the inner surface of the outlet aperture as described in further detail in the prior art rejections above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna
Primary Examiner
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